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EXAMINER

VAN HANDEL, MICHAEL P

ART UNIT	PAPER NUMBER
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2424

MAIL DATE	DELIVERY MODE
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10/14/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/931,798	Applicant(s) WAKAHARA, TATSUYA	
	Examiner MICHAEL VAN HANDEL	Art Unit 2424	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 May 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-6,8-11 and 13-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-6, 8-11, 13-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This action is responsive to an amendment filed 5/27/2009. Claims **1, 3-6, 8-11, 13-32** are pending. Claims **1, 6, 11, 31, 32** are amended. Claims **2, 7, 12** are canceled.

Response to Arguments

2. Applicant's arguments regarding claims **1, 6, 11, 31, and 32**, filed 5/27/2009, have been fully considered, but they are not persuasive.

Regarding claims **1, 6, 11, 31, and 32**, the applicant argues that Panasonic does not disclose a day of the week display portion which provides a display for each day of the week and a means for enabling a user to select a desired day from the day of the week display portion. Applicant specifically argues that, although page 24 of Panasonic appears to mention a channel guide that lists seven days of television information, it appears that such channel guide does not have a day of the week display portion which provides a display for each day of the week and means for enabling a user to select a desired day therefrom. The examiner respectfully disagrees.

Panasonic discloses that from the Channel Guide, a user can scroll through listings for shows they want to watch in the next seven days (p. 24, From the Channel Guide you can:). The Channel Guide Screen displays the day and time of past shows, current shows, and later shows (p. 24, Channel Guide Screen & p. 32, picture of Channel Guide). Since the Channel Guide displays the day of the week (Fri. on p. 32), the examiner interprets the Channel Guide display as

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a day of the week display portion, as currently claimed. The user can jump ahead in the guide by pressing the FF button or by pressing the right arrow key (p. 24, Selecting a Show). Since the user can scroll through listings for the next seven days, the examiner interprets the Channel Guide display as providing a display for each day of the week, as currently claimed. That is, by manually scrolling through the future programs, the user can view the program information for each day of the entire week within the Channel Guide. Thus, the Channel Guide provides a display for each day of the week. Since the user can jump ahead in the guide by pressing the FF button or by pressing the right arrow key (p. 24, Selecting a Show), the examiner interprets this as means for enabling a user to select a desired day from the day of the week display portion, as currently claimed. Applicant refers to Figure 4 in support of the claimed display. Figure 4 illustrates simultaneously displaying a button for each day of the week; however, the examiner notes that the language of the claim, as currently recited, fails to require that each of the days be displayed simultaneously.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims **1, 3, 5, 6, 8, 10, 11, 13, 15-32** are rejected under 35 U.S.C. 103(a) as being unpatentable over Panasonic in view of Lawler et al.

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Referring to claims **1, 6, 11, 31, and 32**, Panasonic discloses an information processing device/method/recording medium (TV/Hard Disk Recorder Combination - see Cover Page) for displaying an electronic programming guide, comprising:

- a display controller (inherent to TV/Hard Disk Recorder Combination in order to respond to commands from the remote control);
- a display being operable to have displayed thereon in response to a control signal from said display controller a cursor, a day of a week display portion which provides a display for each day of the week and representations of programs for a plurality of channels having a plural number of past programs each of whose broadcast time is prior to a present time, a plural number of present programs each of whose broadcast time contains said present time, and a plural number of future programs each of whose broadcast time is subsequent to said present time, said representation of each of said plural number of past programs currently in the display being in a first color, said representation of each of said plural number of present programs currently in the display being in a second color different from said first color, and said representation of each of said plural number of future programs currently in the display being in a third color different from said first and second colors (p. 24 Channel Guide Screen), in which the cursor is movable to a representation of a desired program (p. 24, Selecting a Show); and
- means for enabling a user to select a desired day from the day of the week display portion and a program therefrom for programming a recording of the program or for watching or listening to the program (remote control)(p. 24, Selecting a Show 2 & p.

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25, Recording a Show That is Currently Being Viewed & Recording a Single Upcoming Show), in which the representations of the programs are displayable on a first portion of the display and in which information of a respective program at which the cursor is located is displayable on a second portion of the display which is different from the first portion, (the examiner notes that the Program Information is located in a different portion of the screen than the Shows, and that as the user moves around the guide, the Program Information changes to correspond to the show that the user has highlighted)(p. 24, Selecting a Show 2 & Channel Guide Screen), and in which a respective representation of a respective program is displayable in a fourth color which is different from said first, second, and third colors when the cursor is located thereat and prior to a selection of the respective program by the means for enabling (the examiner notes that upon selecting a program for recording, a solid red dot is placed next to the show that was selected)(p. 25, Recording a Single Upcoming Show 2).

Panasonic does not specifically disclose that, when the user selects a past program, an indication is displayed that said past program has been broadcast. Lawler et al. discloses an electronic program guide that displays current shows in a different color than past and future shows (col. 3, l. 56-62). Lawler et al. further discloses, in response to a user selection of a past program, displaying a past program options menu indicating to the user that the program is a past program (col. 14, l. 49-67 & Fig. 9). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the past program selection method of Panasonic to

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include displaying a past program options menu indicating that the program is a past program, such as that taught by Lawler et al. in order to provide a more user-friendly interface.

Referring to claims **3**, **8**, and **13**, the combination of Panasonic and Lawler et al. teaches the information processing device/method/recording medium as claimed in claims 1, 6, and 11, respectively, in which the enabling means enables the user to place said cursor on a respective representation of a desired program and to select the same (Panasonic p. 24, Selecting a Show 2 & p. 25, Recording a Show That Is Currently Being Viewed 2 & Recording a Single Upcoming Show 2).

Referring to claims **5**, **10**, and **15**, the combination of Panasonic and Lawler et al. teaches the information processing device/method/recording medium as claimed in claims 1, 6, and 11, respectively, wherein said display always includes a latest electronic program guide containing said present time (the examiner notes that the current time is displayed in the upper right hand corner of the Channel Guide Screen and that the Channel Guide lists seven days of up-to-date listings for all the TV channels the user receives)(Panasonic p. 19, Channel Guide & p. 24, Channel Guide Screen & NOTE).

Referring to claims **16**, **21**, and **26**, the combination of Panasonic and Lawler et al. teaches the information processing device/method/recording medium as claimed in claims 1, 6, and 11, respectively, in which the representation of the past, present, and future programs are displayable on the display with respect to time (the examiner notes that Past Shows are displayed in gray, Current Shows are displayed in light blue, and Later Shows are displayed in dark blue)(Panasonic p. 24, Channel Guide Screen) and in which the representations are shifted after a predetermined period of time (the examiner notes that when a show is past it is displayed in gray

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rather than light blue. When a future show becomes current, it is displayed in light blue rather than dark blue. The user can go back within the Channel Guide to see what programs have aired in the last 24 hours)(Panasonic p. 24, Selecting a Show & Channel Guide Screen).

Referring to claims **19**, **24**, and **29**, the combination of Panasonic and Lawler et al. teaches the information processing device/method/recording medium as claimed in claims 1, 6, and 11, respectively, further comprising means for displaying a content of the selected program when the selected program is a future program (the examiner notes that the Channel Guide Screen shows Program Information about the Later Show Cheers)(Panasonic p. 24, Channel Guide Screen).

Referring to claims **20**, **25**, and **30**, the combination of Panasonic and Lawler et al. teaches the information processing device/method/recording medium as claimed in claims 1, 6, and 11, respectively, further comprising means for switching to the selected program when the selected program is a present program (Panasonic p. 20, Viewing Live Television 3).

Referring to claims **17**, **18**, **22**, **23**, **27**, and **28**, the combination of Panasonic and Lawler et al. teaches the information processing device/method/recording medium as claimed in claims 1, 6, and 11, further comprising means for displaying a message to the user that the desired program can not be selected when the desired program is a past program (the examiner notes that Past Shows are displayed in blue to indicate to the user that the show is over. These shows can no longer be selected for viewing or recording, because they have already been aired.)(Panasonic p. 24, Selecting a Show & Channel Guide Screen). Panasonic further discloses that the message is displayable only for a predetermined amount of time (the examiner notes that the user can go back 24 hours within the Channel Guide)(Panasonic p. 24, Selecting a Show).

5. Claims **4**, **9**, and **14** are rejected under 35 U.S.C. 103(a) as being unpatentable over Panasonic in view of Lawler et al. and further in view of Lemmons.

Referring to claims **4**, **9**, and **14**, the combination of Panasonic and Lawler et al. teaches the information processing device/method/recording medium as claimed in claims 1, 6, and 11, respectively. The combination of Panasonic and Lawler et al. does not teach that the first, second and third colors are set according to the user's favorite colors. Lemmons discloses permitting a user to select colors to associate with programs or program attributes, such that the related programs are displayed in the user-specified colors within a by-time program listing (col. 5, l. 45-52; col. 6, l. 3-21, 33-50; col. 7, l. 33-53; col. 9, l. 44-50; & Figs. 5-7, 9, 10, 13). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the coloring of program listings in the combination of Panasonic and Lawler et al. to include permitting the user to select colors to associate with the program listings, such as that taught by Lemmons in order to provide a more sophisticated way in which a user may inform a program guide of the user's preferences, so that the program guide can more accurately highlight programming of the type the user likes (col. 1, l. 56-59).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL VAN HANDEL whose telephone number is (571)272-5968. The examiner can normally be reached on 8:00am-5:30pm Mon.-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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